

IN RE: PETITION FOR ZONING VARIANCE
S/S Old Pimlico Road, 600' W
of c/l of Falls Road
3rd Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-157-A

Old Pimlico Ltd. Partnership
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a distance of 24 feet between principal building fronts in lieu of the required 80 feet and side yard setbacks of 0 feet in lieu of the required 30 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Michael S. Hoffberger, a General Partner, appeared, testified, and was represented by Timothy Chriss, Esquire. Also appearing on behalf of the Petition was James Patton, an engineer with LBJ, Inc. Appearing as Protestants were Lois E. McCall on behalf of David O. Feldmann for Jones Valley Homeowners Association, and P. J. Wideman, for the Brodie Organization, Inc., agents for the Falls Homeowners Association. Louise Schulz, Executive Director of the Ruxton-Riderwood-Lake Roland Area Improvement Assoc., appeared as an interested party.

Testimony indicated that the subject property, located off of Old Pimlico Road running parallel with the Jones Falls Expressway, consists of 11.327 acres, plus or minus, and is split zoned M.L. and M.L.R. Running across the property is a B & E transmission line.

Testimony indicated that Petitioners propose constructing mini-warehouses on the subject property. Testimony presented by Mr. Patton and Mr. Hoffberger indicated that due to the unique characteristics of the property, the proposed development is a fair and reasonable use of the

land which will take into consideration the need to protect the concerns and interests raised by the Department of Environmental Protection and Resource Management as set forth in their comments dated August 2, 1988. Petitioners testified that they can comply with the requirements set forth by DEPRM. Further, Petitioners argued that the setback requirements will not have any adverse affect upon the surrounding community. Petitioners argued that due to the buffering of the land between the Jones Falls Expressway and the proposed mini-warehouses, the residential communities represented by the Protestants would not be adversely affected. Petitioners argued that the limited height as set forth in Petitioner's Exhibit 1, would be to the benefit of the community rather than development by one of the other uses permitted as a matter of right in the zone.

Ms. McCall, property manager for the Jones Valley Homeowners Association, and Ms. Wideman, property manager with the Brodie Organization, Inc., managing agents for the Falls Homeowners Association, indicated that they were there on behalf of the property owners to express their concerns. They indicated that the actual proposal had not been addressed by the respective homeowners associations due to their lack of being aware of the details until attending the hearing. However, in order to protect the potential concerns of the respective homeowners associations, Ms. McCall and Ms. Wideman indicated they were opposed to the project.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
XXXXXXX 887-3353
J. Robert Haines
Zoning Commissioner

December 14, 1988



Dennis F. Rasmussen
County Executive

RE: PETITION FOR ZONING VARIANCE
S/S Old Pimlico Road, 600' W of the c/l of Falls Road
3rd Election District - 3rd Councilmanic District
Old Pimlico Ltd. Partnership - Petitioners
Case No. 89-157-A

Dear Mr. Chriss:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Ms. Lois E. McCall, c/o David O. Feldmann,
107 Sudbrook Lane, Baltimore, MD 21208

Ms. P. J. Wideman, c/o Brodie Organization, Inc.,
P.O. Box 827, Brooklandville, Md. 21022

Ms. Louise Schulz, Executive Director,
Ruxton-Riderwood-Lake Roland Area Imp. Assoc., P.O. Box 204,
Riderwood, Md. 21239

People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-157-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 250.1 and 250.2 to permit 24 foot distances between principal building fronts in lieu of the required 80 feet and sideyard setbacks of 0 feet in lieu of the required 30 feet, respectively.

of the Zoning Regulations of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Due to the buffering by land form, between the Jones Falls Expressway and the proposed mini-warehouses, there is no need for a setback. The design of the proposed use requires the setback between structures to be the 24 foot width for purposes of accessibility and security. The limited width between the JFX and the BG&E right of way makes the proposed use a practical solution to this use of this land.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Garrett Building

233 East Redwood Street

Baltimore, Maryland 21202

City and State

Attorney's Telephone No.: (301) 576-4237

Legal Owner(s):

Old Pimlico Partnership

(Type or Print Name)

Signature

Michael Hoffberger, President

39 Old Pimlico Road Corporation/General Partner

Signature

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

James S. Patton, P.E.

Name 18 W. 25th Street

Baltimore, Maryland 21218 (301) 366-7800

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of December 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of October 1988, at 11 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of December, 1988 that the Petition for Zoning Variance to permit a distance of 24 feet between principal building fronts in lieu of the required 80 feet and side yard setbacks of 0 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with the requirements of the Department of Environmental Protection and Resource Management.

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MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE (301) 653-9511

DESCRIPTION OF 1-87 & OLD PIMLICO ROAD PROPERTY
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the east side of the Jones Falls Expressway, Interstate Route 83, as shown on S.H.A. Plat #25008, #25005 and #25118 and at the beginning of the truncation line at Old Pimlico Road, as shown on S.H.A. Plat #25008, thence binding on the said truncation line the two (2) following courses and distances:

- (1) North 29° 15' 31" East 70.01 feet and
- (2) North 16° 21' 15" West 55.00 feet to intersect a point on the south side of said Old Pimlico Road, thence binding on the right of way line of Old Pimlico Road as shown on said plat the five (5) following courses and distances:

- (3) North 73° 38' 45" East 277.00 feet;
- (4) South 16° 21' 15" East 65.00 feet;
- (5) North 73° 38' 45" East 39.00 feet;
- (6) North 16° 21' 15" West 65.00 feet and
- (7) North 73° 38' 45" East 22.96 feet to a point on the western outline of a conveyance to Nancy Thomas and Frederick M. Klauberg recorded among the Land Records of Baltimore County, Maryland in Liber 6361, folio 440, thence binding on said outline;

- (8) South 25° 00' 09" East 255.84 feet to the western outline of a conveyance to Henry J. Jung and wife recorded in Liber 3716, folio 509 and continuing to bind on the same course on the western outline of a conveyance to Castillo Tacconi and Sons, Inc., recorded in Liber 3925, folio 46, thence binding on the western outline of the said conveyances, in all:

- (9) South 31° 38' 09" East 242.23 feet to intersect the northern and western outline of a conveyance to E. Roland Roche in Liber 3862, folio 296, thence binding on said outline the two (2) following courses and distances:

- (10) South 49° 44' 51" West 197.41 feet and
- (11) South 34° 45' 09" East 200.00 feet to intersect the western limit of Shoemaker Road, 25 feet wide, thence binding on said western limit;

- (12) South 08° 04' 29" West 37.61 feet to intersect a point in the western outline of a conveyance to Rebecca Pindall Crowell in Liber 5868, folio 99, thence binding on said outline;

- (13) South 20° 02' 24" East 269.17 feet to intersect the western limit of Serpentine Road, 30 feet wide, thence binding on said western limit;

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ment as set forth in their comments dated August 2, 1988, attached hereto and made a part hereof.

- 3) Petitioners shall submit to the Deputy Zoning Commissioner a landscaping plan approved by the Baltimore County Landscape Planner, which depicts the landscaping proposed for its property along I-83 and Old Pimlico Road, and the interior of the site, prior to Zoning approval of any building permit.

- 4) Before proceeding on this project, CRG review, approval and/or a waiver, if deemed appropriate by the Office of Current Planning, must be obtained.

- 5) The variances granted herein are limited to the proposed project set forth in Petitioner's Exhibit 1. If there are any deviations from the construction as shown, a revised site plan must be submitted for approval by the Deputy Zoning Commissioner and determined to be within the spirit and intent granted herein. If the deviation is determined to be substantial by the Deputy Zoning Commissioner, a new hearing will be required.

- 6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

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- (14) South 09° 56' 31" West 32.83 feet to intersect the western outline of a conveyance to Rock, Laird and Seal in Liber 2246, folio 474 and Liber 4776, folio 89, thence binding on said outline;

- (15) South 20° 02' 24" East 200.00 feet to intersect the northern outline of the Northern Central Distribution Center, as shown on Plat One in Plat Book R.R.G. 29, folio 128, thence binding on said outline;

- (16) South 69° 57' 36" West 343.28 feet to intersect the eastern right of way line of the said Jones Falls Expressway, thence binding on said right of way line the three (3) following courses and distances:

- (17) North 02° 37' 10" West 162.05 feet;
- (18) South 64° 35' 00" West 74.38 feet and
- (19) North 16° 21' 15" West 1036.17 feet to the place of beginning.

Containing 11.322 acres of land, more or less.

This property is subject to any and all agreements, easements, rights of way and/or covenants of record and law. This description was compiled from available data and not from a field survey or title search.

Herbert Malmud
Registered Land Surveyor
Maryland No. 7558

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Old Pimlico Rd., 600' W c/L : OF BALTIMORE COUNTY
of Falls Rd., 3rd Election Dist. :
3rd Councilmanic Dist.
OLD PIMLICO LIMITED : Case No. 89-157-A
PARTNERSHIP, Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2183

I HEREBY CERTIFY that on this 6th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Timothy Chris, Esquire, Garrett Bldg., 233 E. Redwood St., Baltimore, MD 21202, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct. 13 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 6 1988

THE JEFFERSONIAN

S. Zake Wilson
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 89-157-A
S/S Old Pimlico Road, 600' W c/L Falls Road
3rd Election District - 3rd Councilmanic District
Petitioner(s): Old Pimlico Ltd. Partnership
Hearing Date: Tuesday, Oct. 25, 1988 at 11:00 a.m.
Variance to permit 24 feet distances between principal building fronts in lieu of the required 80 feet and sideyard setbacks of 0 feet in lieu of the required 30 feet, respectively.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
9552 Oct. 6

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-157-A

District: 3rd Date of Posting: October 5, 1988
Posted for: Variance
Petitioner: Old Pimlico Limited Partnership
Location of property: S/S Old Pimlico Road, sec. W. 1/4 of Falls Road
Location of Signs: S/S of Old Pimlico Road in front of subject property
Remarks:
Posted by: J. J. Grata Date of return: October 7, 1988
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 19, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-157-A
S/S Old Pimlico Road, 600' W c/L Falls Road
3rd Election District - 3rd Councilmanic District
Petitioner(s): Old Pimlico Ltd. Partnership
HEARING SCHEDULED: TUESDAY, OCTOBER 25, 1988 at 11:00 a.m.

Variance to permit 24 feet distances between principal building fronts in lieu of the required 80 feet and sideyard setbacks of 0 feet in lieu of the required 30 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: James E. Patton, P.E.
Timothy Chris, Esq.
File

89-157-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of August, 1988.

Petitioner: Old Pimlico Ltd.
Petitioner's: Partnership
Attorney: Timothy Chris

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

August 1, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Old Pimlico Ltd. Partnership

Location: S/S of Old Pimlico Road, 600' W. of c/l Falls Road

Item No.: 25

Zoning Agenda: Meeting of 8/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Hydrants are not shown on drawing.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 10/21/88



Dennis F. Rasmussen
County Executive

James S. Patton, P.E.
16 W. 25th Street
Baltimore, Maryland 21218

Re: Petition for Zoning Variance
CASE NUMBER: 89-157-A
S/S Old Pimlico Road, 600' W c/L Falls Road
3rd Election District - 3rd Councilmanic District
Petitioner(s): Old Pimlico Ltd. Partnership
HEARING SCHEDULED: TUESDAY, OCTOBER 25, 1988 at 11:00 a.m.

Dear Mr. Patton:

Please be advised that 7:10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office minutes before

(BALTIMORE COUNTY, MARYLAND)
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 12-13-88 ACCOUNT: R-01-615-000

AMOUNT \$ 71.70

RECEIVED: Old Pimlico Ltd. Partnership
FROM: Posting Order 10-25-88
FOR: 89-157-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 18, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Timothy Chris, Esquire
Garrett Building
233 East Redwood Street
Baltimore, Maryland 21202

RE: Item No. 25 - Case No. 89-157-A
Petitioner: Old Pimlico Ltd. Partnership
Petition for Zoning Variance

Dear Mr. Chris:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

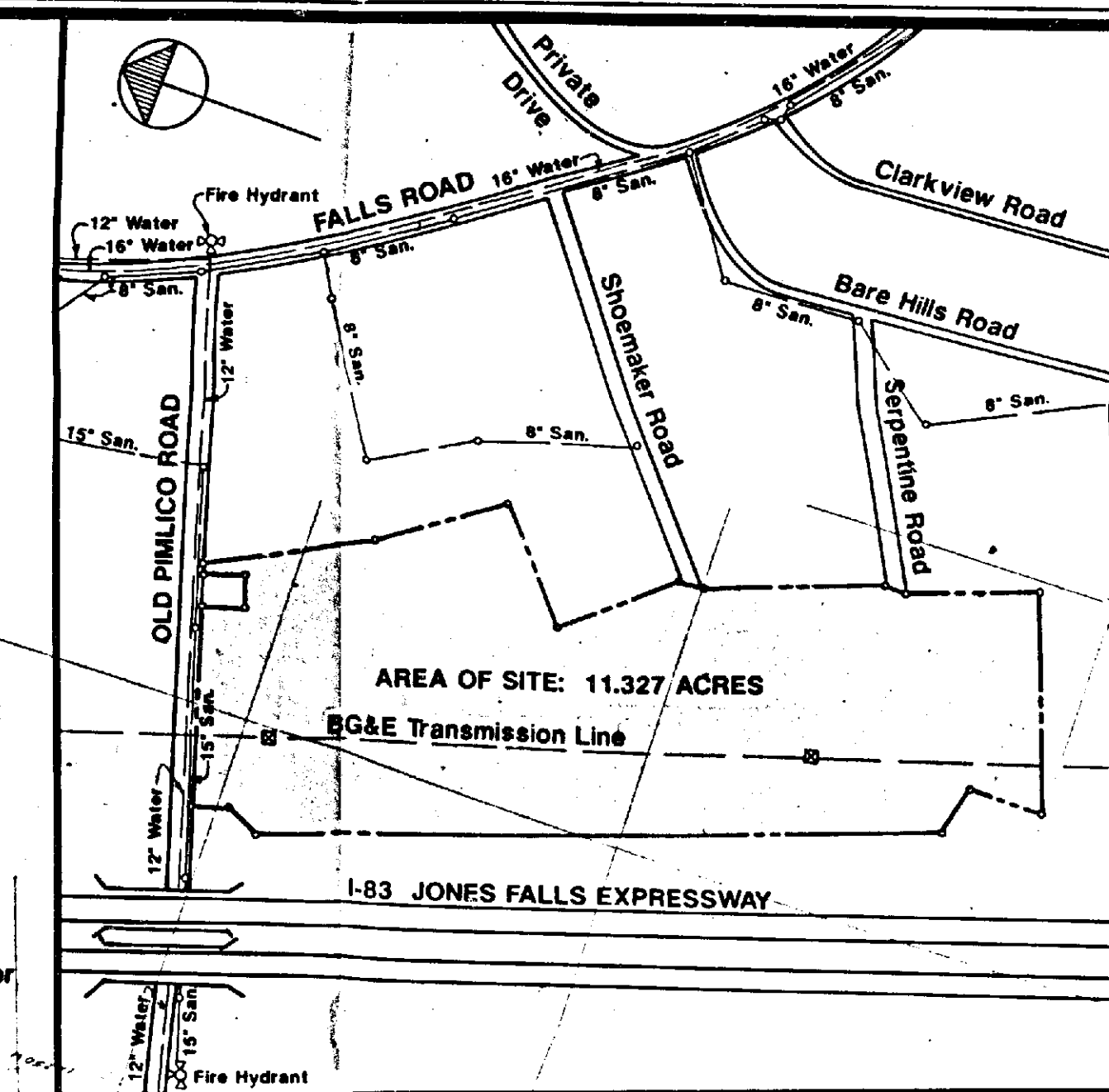
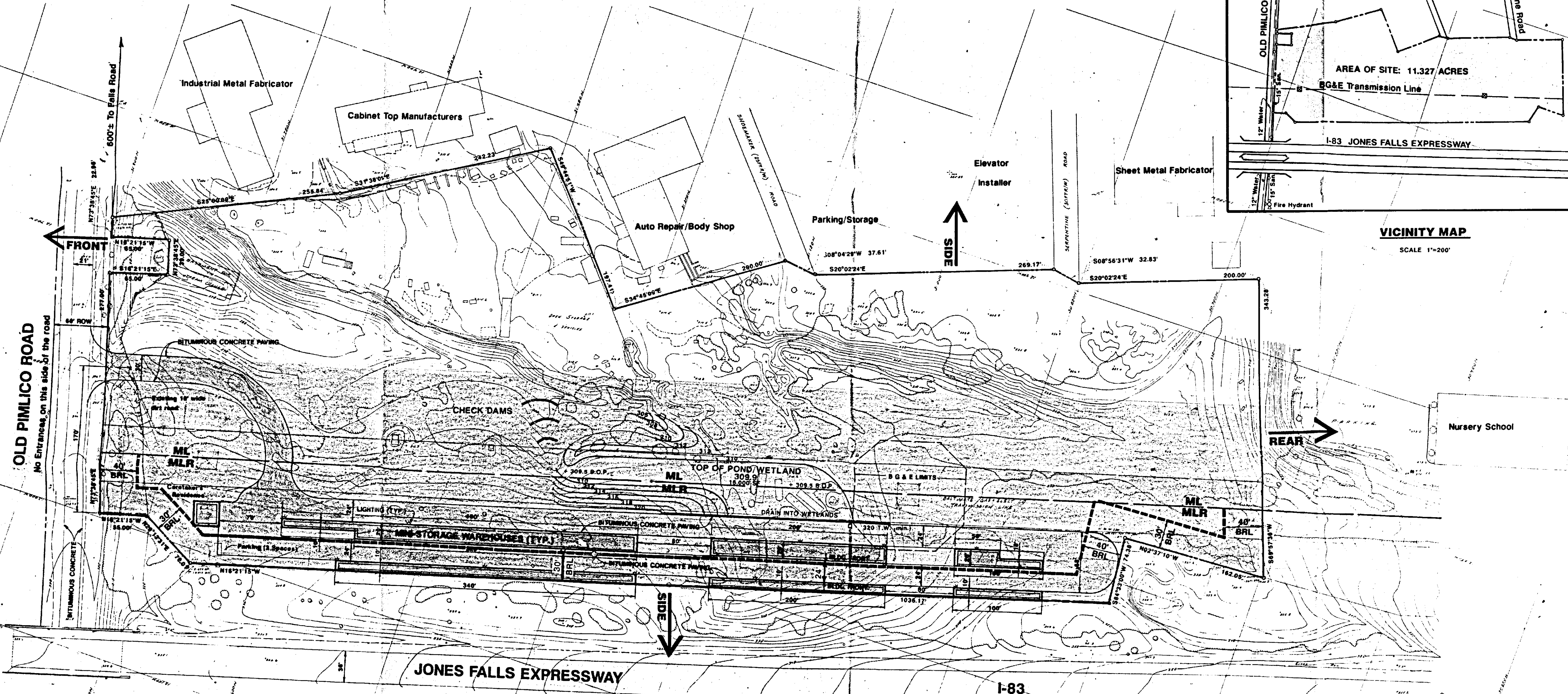
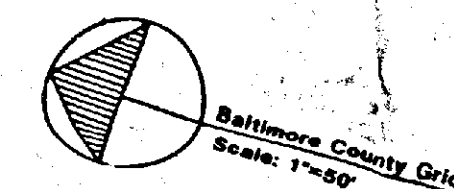
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: LPJ Inc.
16 West 25th Street
Baltimore, Maryland 21218

100



revisions		
no.	date	comments

BARE HILLS DEVELOPMENT
Old Pimlico Partnership
11 East Chase Street #2E
Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

3rd ELECTION DISTRICT

AREA OF PARCEL = 11.327 acres
493,404 sq.ft.

PARCEL SETBACK REQUIREMENTS MLR ZONE
Front setback - 40'
Side setback - 30'
Rear setback - 40'

PARKING REQUIREMENTS (B.C.Z.R. SEC. 409.2b7)
1 Space per Employee on Largest Shift
Number of employees = 1
Number of spaces required = 1
Number of spaces provided = 2

PRINCIPAL BUILDING SETBACK REQUIREMENTS MLR ZONE
Front Setback - 40'
Side Setback - 30'
Rear Setback - 40'

UTILITY AVAILABILITY
WATER - 12" water main running down Old Pimlico Road,
SANITARY SEWER - 15" sewer line running down Old Pimlico Road
FIRE HYDRANT - at intersection of Old Pimlico Road and Falls Road
and 600'± west of proposed entrance road off of Old Pimlico Road.

PRESENT USE - Vacant

PROPOSED USE - Mini-Warehouse/Storage

LIGHTING - Surface mounted on building

* Sketch alternative in support of Petition for a Variance from Section 250.2 of the Baltimore County Zoning Regulations requiring sideyard setback of 30 feet in the MLR Zone. Alternative shown that a 6' setback from the West Property Line is requested in lieu of the required 30' side setback.

APPLICANT AND OWNER
Old Pimlico Limited Partnership
11 East Chase Street #2E
Baltimore, Maryland 21202
(301) 727-0082

* Sketch alternative in support of Petition for a Variance from Section 102 of the Baltimore County Zoning Regulations requiring principal building setbacks of 40' each in the MLR Zone. Alternative shown that a 24' setback between the principal buildings is requested in lieu of the required 80' setback.

LPJ INC.
CONSULTING ENGINEERS
* STRUCTURAL
* CIVIL
* SITE PLANNING

16 West 25th Street
Baltimore, Maryland 21218
(301) 366-7800

**BARE HILLS
VARIANCE
REQUEST**

PETITIONER'S
EXHIBIT "1"

scale: 1"=50' project no. 11288
drawn: JNS drawing no.
design: JNS
checked: JSP
date: sheet no.